

156327

STATE OF ILLINOIS     )  
                               ) SS.  
 COUNTY OF ST. CLAIR   )

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ENVIRONMENTAL PROTECTION AGENCY,     )  
   )  
                               Complainant,     )  
   )  
                               v.     )     PCB 77-84  
   )  
 PAUL SAUGET, individually, SAUGET AND     )  
 COMPANY, a Delaware corporation, EAGLE     )  
 MARINE INDUSTRIES, INC., a Missouri     )  
 corporation, and RIVER PORT FLEETING     )  
 INC., a Missouri corporation,     )  
   )  
                               Respondents.     )

STIPULATION

NOW COME Respondents, EAGLE MARINE INDUSTRIES, INC., a Missouri corporation, and RIVER PORT FLEETING, INC., a Missouri corporation, by counsel Frank L. Pellegrini, and in consideration of the dismissal of the action in PCB 77-84 against both Respondent EAGLE MARINE INDUSTRIES, INC., and Respondent RIVER PORT FLEETING, INC., without prejudice do stipulate as follows:

1. Respondents EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., presently own Parcel No. 5 and Parcel No. 4, respectively, (hereinafter "said property") as marked on the

attached Exhibit A.

2. Respondents EAGLE MARINE INDUSTRIES, INC., and RIVER PORT FLEETING, INC., operate a coal loading facility on said property.

3. Said property is land upon which PAUL SAUGET and/or SAUGET AND COMPANY are charged with having operated a refuse disposal site in Environmental Protection Agency v. Paul Sauget, et al, PCB 77-84, now pending before the Pollution Control Board.

4. If Complainant ENVIRONMENTAL PROTECTION AGENCY's action in PCB 77-84 is successful, Respondents PAUL SAUGET and SAUGET AND COMPANY will be ordered by the Pollution Control Board, inter alia, to place final cover (as defined in and required by the Pollution Control Board's Rules and Regulations, Chapter 7) over the entire refuse disposal site on said property.

5. Both Respondents will freely provide access to said property to

a. Paul Sauget and agents or employees of Paul Sauget or Sauget and Company or persons otherwise directed or retained by Paul Sauget or Sauget and Company to provide final cover;

b. Employees or agents of the Environmental Protection Agency;

c. Any other person retained or directed by the State to provide final cover.

6. Neither Respondent will in any way obstruct or impede the efforts of any of the persons listed in paragraph 5 above to provide final cover.

7. Both Respondents shall allow the persons listed in paragraph 5 above to bulldoze, grade, clear or otherwise change the nature of said property to the extent and in any way necessary to apply final cover.

8. Both Respondents shall work with the persons listed in paragraph 5 above to move whatever coal or other equipment they have on the site so as to allow placement of final cover over all portions of the refuse disposal site.

Respectfully submitted,

RIVER PORT FLEETING, INC. and  
EAGLE MARINE INDUSTRIES, INC.

BY: 

Frank Pellegrini

Counsel for River Port Fleeting, Inc.  
and Counsel for Eagle Marine Industries, Inc.

DATED: 2-21-78

DATED:

2/21/78

BY:

*F. H. Leyhe*

Fred H. Leyhe, President of  
Eagle Marine Industries, Inc. and  
River Port Fleeting, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I did, on the 24th day of February, 1978, send by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Postal Service Box, in Springfield, Illinois, a true and correct copy of the foregoing instruments entitled MOTION TO DISMISS WITHOUT PREJUDICE and STIPULATION

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Assistant Attorney General